

prove to the world that right and not might constitute the impelling motive which will drive us all as servants of the public to so serve that public as to prove that the Constitution of this State is to us a sacred document and that that portion of the Constitution which protects the widow and the orphan, which provides a home for the homeless, which meets the social obligations which the State owes to society, are to be made just as effective as the other portions of the Constitution which protect the millions of the rich when those millions are honestly earned."

#### Adjournment

Senator Collie moved that the Senate adjourn until 10:00 o'clock a. m. tomorrow.

The motion prevailed; and the Senate, accordingly, at 12:10 o'clock p. m., adjourned until 10:00 o'clock a. m. tomorrow.

#### APPENDIX

##### Reports of Committees on Enrolled and on Engrossed Bills

Austin, Texas,  
March 6, 1939.

Hon. Coke R. Stevenson, President of The Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 96 carefully examined, compared and read, and find same correctly enrolled.

STONE of Galveston, Chairman.

Austin, Texas,  
March 6, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 161 carefully examined, compared and read, and find same correctly enrolled.

STONE of Galveston, Chairman.

Austin, Texas,  
March 6, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 42

carefully examined, compared and read, and find same correctly enrolled.

STONE of Galveston, Chairman.

Austin, Texas,  
March 1, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 97 carefully examined, compared and read, and find same correctly enrolled.

STONE of Galveston, Chairman.

Austin, Texas,  
March 1, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 128 carefully examined, compared and read, and find same correctly enrolled.

STONE of Galveston, Chairman.

Austin, Texas,  
March 6, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 78 carefully examined, compared and read, and find same correctly engrossed.

LANNING, Chairman.

#### THIRTY-SECOND DAY

(Wednesday, March 8, 1939)

The Senate met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by the President.

The roll was called, and the following Senators were present:

Aikin	Moore
Beck	Nelson
Brownlee	Pace
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Graves	Small
Hardin	Spears
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Metcalfe	Winfield
Moffett	

A quorum was announced present.

The invocation was offered by the Chaplain.

On motion of Senator Aikin and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

#### Reports of Standing Committees

Senator Van Zandt, submitted the following reports of the Committee on Civil Jurisprudence:

Austin, Texas,  
March 8, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred S. B. No. 80 by Spears, have had same under consideration and beg leave to report back to the Senate that it do pass and be not printed.

VAN ZANDT, Chairman.

Austin, Texas,  
March 7, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred S. B. No. 37 by Spears, have had same under consideration and beg leave to report back to the Senate that it do pass and be printed.

VAN ZANDT, Chairman.

Austin, Texas,  
March 8, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred S. B. No. 235 by Spears, have had same under consideration and beg leave to report back to the Senate that it do pass and be printed.

VAN ZANDT, Chairman.

Austin, Texas,  
March 8, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred S. B. No. 236 by Spears, have had same under consideration and beg leave to report back to the Senate that it do pass and be printed.

VAN ZANDT, Chairman.

Austin, Texas,  
March 8, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred S. B. No. 187 by Sulak, have had same under consideration, and beg leave to report back to the Senate that it do pass and be printed.

VAN ZANDT, Chairman.

Austin, Texas,  
March 8, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred S. B. No. 267 by Kelley, have had same under consideration, and beg leave to report back to the Senate that it do pass and be printed.

VAN ZANDT, Chairman.

Austin, Texas,  
March 8, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred S. B. No. 151 By Kelley, have had same under consideration, and beg leave to report back to the Senate that it do not pass.

VAN ZANDT, Chairman.

Austin, Texas,  
March 8, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred S. B. No. 222 by Kelley, have had same under consideration, and beg leave to report back to the Senate that it do pass and be printed.

VAN ZANDT, Chairman.

Senator Hardin submitted the following report of the Committee on Counties and County Boundaries:

Austin, Texas,  
March 7, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred

S. B. No. 220, A bill to be entitled "An Act fixing the compensation of

county auditors in every county having a population of not less than fifty-one thousand, seven hundred nine (51,709) nor more than fifty-two thousand (52,000) inhabitants according to the last preceding U. S. Census; amending Article 1645, Title 34 of the Revised Civil Statutes of 1925, as amended by Acts 1937, Forty-fifth Legislature, First Called Session, page 1827, C. 45, Sec. 3; repealing all laws and parts of laws in conflict herewith; providing a saving clause; and declaring an emergency."

Have had the same under consideration, and I am instructed by the Committee to report back to the Senate with the recommendation that it do pass and be not printed.

HARDIN, Chairman.

Austin, Texas,  
March 8, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred

H. B. No. 356, A bill to be entitled "An Act authorizing the County Judge to employ a stenographer or clerk in any county having a population of not more than seven thousand, seven hundred (7,700) and not less than seven thousand, six hundred and eighty (7,680) inhabitants according to the last preceding census; regulating the salary of same; providing for payment of salary; providing for removal; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with recommendation that it do pass and be printed.

HARDIN, Chairman.

Austin, Texas,  
March 8, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred

H. B. No. 303, A bill to be entitled "An Act authorizing the Commissioners' Court in any county having a population of not more than seven thousand and seven hundred (7,700) and not less than seven thousand, six hundred and eighty (7,680) inhabitants, according to the last preceding

Federal Census, to lease any county hospital belonging to said county, and providing for the terms for said lease; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with recommendation that it do pass and be printed.

HARDIN, Chairman.

Austin, Texas,  
March 8, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred

H. B. No. 357, A bill to be entitled "An Act authorizing the Commissioners' Court in any county having a population of not less than twenty-three thousand, eight hundred and twenty-five (23,825) and not more than twenty-three thousand, eight hundred and fifty (23,850) inhabitants according to the last preceding Federal Census, to lease any county hospital belonging to said county, and providing for the terms for said lease; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with recommendation that it do pass and be printed.

HARDIN, Chairman.

Senator Moffett submitted the following report of the Committee on Stock and Stock Raising:

Austin, Texas,  
March 8, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Stock and Stock Raising, to whom was referred

H. B. No. 173, A bill to be entitled "An Act amending Article 6954, Chapter 6, Title 121 of the Revised Civil Statutes of Texas, 1925, as amended in Chapter 245 of the Acts of the Regular Session of the Fortieth Legislature of Texas, as amended in Chapter 5 of the Acts of the Regular Session of the Forty-first Legislature of Texas, and as further amended in Chapter 71 of the Acts of the First Called Session of the Forty-first Legislature of Texas, the latter being House Bill No. 120, passed by the

First Called Session of the Forty-first Legislature, and further amended in Chapter 8. of the Acts of the Third Called Session of the Forty-first Legislature, Senate Bill No. 22, and further amended in Chapter 313 of the Acts of the Regular Session of the Forty-second Legislature, and as further amended by Chapter 9 of the Acts of the Third Called Session of the Forty-second Legislature, and as further amended by Chapter 48 of the Acts of the Regular Session of the Forty-third Legislature, and as further amended by Chapter 34, of the Special Laws of the Acts of the Regular Session of the Forty-fourth Legislature, and as further amended by Chapter 189 of the Acts of the Regular Session of the Forty-fifth Legislature, with reference to the mode of preventing horses and certain other animals from running at large in the counties named so as to include in said Article the County of Frio; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

MOFFETT, Chairman.

Senator Weinert submitted the following reports of the Committee on State Affairs:

Austin, Texas,  
March 7, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 298 by Small, A bill to be entitled "An Act setting out the authority of the Texas State Parks Board in all matters pertaining to land titles and interests, authorizing the acceptance, rejection, or reconveyance of park sites, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

WEINERT, Chairman.

Austin, Texas,  
March 7, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 284 by Spears, A bill to be entitled

"An Act amending Article 5139 of the Revised Civil Statutes of Texas, 1925, as amended, providing for the creation of a County Juvenile Board in any county having a population of not less than 290,000 nor more than 320,000 according to the last preceding Federal Census and all future Federal Census, providing for the compensation of members of such Juvenile Board, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass, but that the Committee Substitute hereto attached do pass in lieu thereof and be not printed.

WEINERT, Chairman.

Austin, Texas,  
March 7, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 306 by Small, A bill to be entitled "An Act to repeal House Bill No. 571, Regular Session, Forty-fourth Legislature, regulating fishing in Dallam and other counties in the Panhandle region of this State, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

WEINERT, Chairman.

Austin, Texas,  
March 7, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 218 by Roberts et al., A bill to be entitled "An Act declaring the purpose of the Legislature in matters affecting the collection of State taxes, fees and other moneys, establishing a centralized tax administration in the office of the State Comptroller of Public Accounts; requiring all state officers, departments, boards, bureaus, commissions, institutions, and their agents who are authorized to collect State taxes, fees and other moneys, to use the forms in collecting and reporting collection of taxes, etc.; giving to the State Comptroller supervision of the

collection of all State taxes, etc.; requiring all State officers, agents, etc., collecting State taxes, fees, etc., to report to the Comptroller; creating a State Revenue Tax Stamp Board; defining the powers of the State Revenue Tax Stamp Board; etc.; establishing in the office of State Treasury a simplified system of accounts by abolishing certain special funds and providing for a system of classified funds; requiring accounts in lieu of special funds; establishing a general tax fund and requiring all moneys in existing special funds to be placed in the General Fund; providing penalties for violation of this Act; fixing the date on which this Act shall become effective; making an appropriation of ten thousand (\$10,000.00) dollars; etc.; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

WEINERT, Chairman.

Austin, Texas,  
March 7, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 234 by Spears, A bill to be entitled "An Act authorizing the Commissioners' Court of counties having a population of not less than 290,000 inhabitants, according to the last preceding, or any subsequent Federal Census to appoint a County Building Inspector and Assistants, providing for the payment of salary to such appointees, providing for the issuance of building permits by such inspector, and authorizing a charge therefor, exempting Federal, State, County, City governments and other political subdivisions thereof from the provisions of this Act, prescribing penalties for failure to secure permits, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass with Committee Amendment No. 1 and be not printed.

WEINERT, Chairman.

Austin, Texas,  
March 7, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 290 by Small, A bill to be entitled "An Act to amend Article 1111 of the Revised Civil Statutes of Texas for 1925, as amended by Acts of the Fortieth Legislature, and as amended by Chapter 32, Acts of the Third Called Session of the Forty-second Legislature, and as amended by Chapter 122, Acts Regular Session, Forty-third Legislature, so that same will hereafter read as follows:"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

WEINERT, Chairman.

Austin, Texas,  
March 7, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred H. C. R. No. 42 by Holland, authorizing Ennis Miller to sue the State,

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

WEINERT, Chairman.

Austin, Texas,  
March 7, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 179 by Metcalfe, A bill to be entitled "An Act to amend Sections 13 and 15 of House Bill No. 749, Chapter 240, Acts of the Regular Session of the Forty-fourth Legislature, requiring distributors or dealers of motor fuel upon which a refund of the tax may be authorized to secure permit or license from the State Comptroller; providing for the control of invoices of exemption by the State Comptroller, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass, but that the Committee Substitute hereto attached do pass in lieu thereof and be printed in lieu of the original bill.

WEINERT, Chairman.

Austin, Texas,  
March 7, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred H. B. No. 430 by Goodman, A bill to be entitled "An Act ratifying and confirming, subject to the consent and approval of the Congress of the United States, an agreement and compact between the States of New Mexico and Texas, pertaining to the construction and maintenance of the Alamogordo Reservoir upon the Pecos River in the State of New Mexico, and providing for agreement on the part of the State of New Mexico pertaining to the use of the waters of the Pecos River; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

WEINERT, Chairman.

Austin, Texas,  
March 7, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 281 by Roberts et al., A bill to be entitled "An Act abolishing the office of State Reclamation Engineer; transferring to and vesting the functions in the Commissioner of the General Land Office; providing for the transfer of all officers and employees, the balances of appropriations, and all books, papers, records, property and pending business of the State Reclamation Department to the General Land Office; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

WEINERT, Chairman.

Austin, Texas,  
March 7, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 238 by Graves et al., A bill to be entitled "An Act to amend Sections 2, 5, 7, 8, 13, 15, 23 and 25 of Article 2997a of the Revised Civil Statutes of

Texas, 1925, as amended by the Acts of the Forty-fifth Legislature, Second Called Session, 1937, by providing that a voting machine approved by the Secretary of State must be constructed with certain requirements, etc.; providing that the provisions of this Act shall apply only in counties in which such voting machine is adopted for use at elections; providing and defining the word 'ballot'; providing and defining the terms 'numbering of tickets'; etc.; providing that if any section, paragraph, clause or word of this Act be held invalid, such holding shall not affect the validity of the remaining portions of this Act; providing that the Legislature declares that it would pass such remaining portions despite such invalidity; repealing all laws and parts of laws in conflict herewith to the extent of such conflict only and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

WEINERT, Chairman.

#### Reports of Committee on Nominations of the Governor

Senator Shivers submitted the following report of the Committee on Nominations of the Governor:

Austin, Texas,  
March 7, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Nominations by the Governor, to whom was referred

The request of Hon. C. M. Cureton, Chief Justice of the Supreme Court, asking permission to withdraw his nomination of Stanhope Henry as a member of the Board of Pardons and Paroles of the State of Texas,

Have had same under consideration and recommend that this permission be granted.

SHIVERS, Chairman.

On motion of Senator Shivers and by unanimous consent, the regular order of business was suspended, and the report was considered and adopted at this time.

Senator Shivers submitted the following report of the Committee on nominations of the Governor:

Austin, Texas,  
March 7, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Nominations by the Governor, to whom was referred

The request of Hon. W. Lee O'Daniel, Governor, asking permission to withdraw his nomination of Judge J. C. Hunter as Chairman of the Highway Commission of the State of Texas,

Have had same under consideration and recommend that this permission be granted.

SHIVERS, Chairman.

On motion of Senator Shivers and by unanimous consent, the regular order of business was suspended, and the report was considered and adopted at this time.

#### Senate Bills on First Reading

The following bills were introduced, read severally first time, and referred to the committees indicated:

By Senator Burns:

S. B. No. 307, A bill to be entitled "An Act making an appropriation of \$250,000.00 to the Texas Prison System for the purpose of erecting and constructing and building a textile mill, locating the same, and declaring an emergency."

Referred to Committee on Finance.

By Senator Burns:

S. B. No. 308, A bill to be entitled "An Act fixing the maximum fees of county officials in certain counties containing a population of not less than 18,528 and not more than 18,535 according to the last preceding Federal census, and declaring an emergency."

Referred to Committee on Counties and County Boundaries.

By Senator Pace:

S. B. No. 309, A bill to be entitled "An Act enlarging the powers and duties of the State Department of Education of the State of Texas, so as to provide a Division for the Prevention of Crime by Education; providing for the appointment of the Personnel of said Division, fixing their salaries, and defining their duties; providing that clerks of the

courts of the various districts, counties, precincts, and cities of the State of Texas make monthly reports to this Division, containing the history of the career of crime of all defendants convicted for crime in such courts, the educational attainments of such convicts and their social surroundings; providing and directing that the heads of the various public schools of the State of Texas cooperate with this Division in the work of the prevention of crime by assisting in creating crime clinics in each public school under the supervision of this Division; fixing a fee of Fifty (50¢) Cents, or so much thereof as may be necessary, with the exception of convictions where the State has to pay the fine and costs, to be taxed as costs in each misdemeanor conviction, and Fifty (50¢) Cents, or so much thereof as may be necessary, to be taxed as costs in each divorce case prosecuted to final judgment in this State, except those allowed by the court to be prosecuted on paupers oaths, to provide revenue for the support of this Division; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Referred to Committee on Finance.

By Senator Head:

S. B. No. 310, A bill to be entitled "An Act making appropriations for State Aid to the free public libraries of this State, and for the salaries and other expense of the Division of Public Libraries of the Texas State Library, for the years beginning September 1, 1939, and ending August 31, 1941, and declaring an emergency."

Referred to Committee on Finance.

By Senator Moffett:

S. B. No. 311, A bill to be entitled "An Act to declare a State policy regarding the activities of the various agricultural agencies of the State, especially as they affect cotton and cotton products, and the increased use and consumption of same; directing that the heads of the State's various agricultural agencies shall take due notice of said policy; providing for the establishment of a cotton research laboratory, and making an appropriation therefor; providing that the Board of Control may accept tracts of land, gifts, or grants; providing for construction to be under the Board of Control; providing for

the location of said laboratories; providing for the employment of architects, engineers, experts, etc.; providing for the necessary expenses; providing for the Comptroller to pay warrants; providing rules and regulations shall allow for cooperation between cotton producing States, and declaring an emergency."

Referred to Committee on Finance.

By Senator Shivers:

S. B. No. 312, A bill to be entitled "An Act amending Article 4629, Chapter 4, Revised Civil Statutes of 1925, to authorize the husband or wife to obtain a divorce where either spouse has been adjudged insane by a court of competent jurisdiction and has been confined in a public institution for insane for a term of not less than five (5) years, and authorizing the procedure therein and declaring an emergency."

Referred to Committee on Civil Jurisprudence.

By Senator Graves:

S. B. No. 313, A bill to be entitled "An Act providing for taxing the premium receipts of foreign assessment life and casualty companies now admitted to do business in Texas, under Chapter V, Title 78, Revised Civil Statutes of Texas, 1925, as amended by S. B. No. 37, Chapter 40, Acts of 1929, First Called Session, Forty-first Legislature, as amended by S. B. No. 106, Chapter 60, Acts of 1929, Second Called Session, Forty-first Legislature, in the event any such company should hereafter reorganize, amend its charter or otherwise change its plan of operation so that it shall not be subject to the provisions of said Chapter V, Title 78, Revised Civil Statutes of Texas, as amended, and declaring an emergency."

Referred to Committee on Insurance.

By Senator Nelson:

S. B. No. 314, A bill to be entitled "An Act to validate the organization and creation of all school districts, including common school districts, independent school districts, consolidated common school districts, rural high school districts, all county line school districts, including county line common school districts, county line independent school districts, county line consolidated common school districts, county line consolidated inde-

pendent school districts, county line rural high school districts, rural high school districts, and all other school districts, whether created by General or Special Law or by county boards of trustees; providing no transfer of territory is validated by the Act unless authorized by an affirmative vote of voters in such district; validating the acts of said county boards of trustees and boards of trustees of such districts; validating all proceedings and acts of said boards of trustees; validating all bonds voted, authorized and or sold and/or now outstanding of said districts; validating all tax levies made in behalf of said districts; authorizing and empowering all school districts mentioned in this Act to levy, assess, and collect the same rate of taxes as is now being levied, assessed, and collected therein, and heretofore authorized or attempted to be authorized by any act, or acts of said districts, or by any Act of the Legislature; making certain exemptions, and declaring an emergency."

Referred to Committee on Education.

By Senator Cotten (by request):

S. B. No. 315, A bill to be entitled "An Act making it unlawful for any person, firm or corporation or the agent thereof, to require any types of insurance in any particular company as a prerequisite to making a loan; making it unlawful for such persons, firms or corporations to refuse to accept policies of insurance written by solvent insurance companies licensed to do business in this State; providing when such policies of insurance may be procured by the lien holder; prescribing appropriate penalties for the violation of this Act, and declaring an emergency."

Referred to Committee on Criminal Jurisprudence.

By Senator Kelley:

S. B. No. 316, A bill to be entitled "An Act making appropriation to defray the equitable portion which the State of Texas should make available to the United States Government, or its agencies, for completion of the water survey of the Rio Grande River and its watershed from Fort Quitman south to the mouth of the Rio Grande River; enacting provisions incident to and relating to the subject; and declaring an emergency."

Referred to Committee on Finance.



By Senator Kelley:

S. B. No. 317, A bill to be entitled "An Act authorizing the commissioners courts in counties having a population of not less than 12,190 inhabitants and not more than 12,195 inhabitants, according to the last preceding Federal Census, to levy a direct tax of not more than Ten (10¢) Cents on the One Hundred (\$100.00) Dollars assessed valuation for health purposes, for the purpose of building, equipping and maintaining a hospital; providing that such money so collected be spent only for the benefit of the residents of such counties; and declaring an emergency."

Referred to the Committee on Public Health.

By Senator Kelley:

S. B. No. 318, A bill to be entitled "An Act providing for the amount that may be allowed by county boards of trustees to the county superintendents of public instruction for office and traveling expenses in certain counties having a population of not less than 13,454 inhabitants and not more than 13,458 inhabitants, according to the last preceding Federal Census; repealing all laws and parts of laws in conflict herewith; and declaring an emergency."

Referred to Committee on Education.

By Senator Kelley:

S. B. No. 319, A bill to be entitled "An Act to fix the maximum tax rate for school purposes in all independent and common school districts in counties having a population of not less than 12,188 and not more than 12,195 inhabitants, according to the last preceding Federal Census, and declaring an emergency."

Referred to Committee on State Affairs.

By Senator Kelley:

S. B. No. 320, A bill to be entitled "An Act making an appropriation out of any moneys in the State Treasury not otherwise appropriated for the Nueces River Conservation and Reclamation District, for each of the fiscal years ending August 31, 1940, and August 31, 1941, to aid said District in making the necessary surveys and preparing the necessary plans for its construction program and declaring an emergency."

Referred to Committee on Finance.

By Senators Martin, Graves and Winfield:

S. B. No. 321, A bill to be entitled "An Act applicable to cities of Texas having a population in excess of 75,000 according to the last preceding Federal Census, providing funds and revenues for the policemen's relief and retirement fund created by the terms of this Act; creating a board for the administering of said fund and providing for the membership thereof; providing for a treasury and creating additional duties; providing for contributions by members of the police departments to said funds; providing for the administration of accumulated funds; providing for assignments of back pay and making additional contributions out of general revenues; providing for the investment of funds; providing for the retirement of members after attaining the age of 50 years and having 25 years of service in the police department of any city affected hereby; providing for death and total disability benefits incurred in line of duty; providing for payments to children and dependent parents as well as to widows of the members making the contributions provided for herein; providing for extra benefits outside of duty service, and limitations upon benefits to be paid hereunder; providing for refunds to members leaving the service; providing for actuarial valuations; providing for the rendition of services by city attorneys to the pension board without additional compensation; providing that said funds shall never be subject to seizure execution, attachment or garnishment and shall not be assignable; providing a saving clause; providing that this act shall be cumulative of all other pension legislation and shall not alter, disturb or in any manner change the rights, duties, and obligations created by the existing pension laws of this State and shall not repeal, alter or change any ordinance of any city now providing revenues for a police pension system; providing a saving clause and declaring an emergency."

Referred to Committee on State Affairs.

#### Message from the House

A Clerk from the House was recognized to present the following message:

Hall of the House of Representatives.  
Austin, Texas, March 8, 1939.

Hon. Coke R. Stevenson, President of  
the Senate.

Sir: I am directed by the House  
to inform the Senate that the House  
has passed the following bill and  
resolution:

H. B. No. 407, A bill to be entitled  
"An Act to provide for the issuance  
of certificates of title covering motor  
vehicles and their parts, with certain  
specified exceptions, so as to disclose  
ownership and encumbrances; defin-  
ing the terms 'motor vehicle', 'lien',  
'owner', 'mortgagee', 'mortgagor',  
'first sale', 'subsequent sale', 'new  
car', 'used car', 'person', 'hereafter',  
'receipt', 'stolen and converted', 'con-  
cealed motor vehicle', 'manufacturer',  
'importer', 'distributor', 'dealer', 'mo-  
tor number', 'serial number', 'manu-  
facturer's certificate', 'importer's cer-  
tificate', 'certificate of title', 'depart-  
ment', and 'designated agent'; placing  
the administration and enforcement  
of the law in the Department of Pub-  
lic Safety, and providing its rights  
and duties in respect thereto; author-  
izing the said Department to pre-  
scribe necessary forms, and to make  
rules necessary to effectuate the law;  
prescribing the method and manner  
of procuring certificates of title, issu-  
ance and reissuance of the same and  
duplicates thereof, and stating condi-  
tions and prerequisites therefor; re-  
quiring the owners and purchasers of  
motor vehicles to procure such cer-  
tificates; requiring the transfer of  
certificates in all cases of sale, and  
making sales without transfer of cer-  
tificate void; prohibiting the sale,  
disposition or purchase of motor ve-  
hicles without a certificate of title;  
providing for the showing of mort-  
gages and other liens on such certifi-  
cates; providing that such certificates  
shall constitute notice of such liens  
and mortgages, and prescribing the  
priorities of liens and mortgages as  
against all parties; prescribing the  
method and manner of endorsing the  
liens or mortgages on such certifi-  
cates; providing for the cancellation  
or termination of such certificates and  
the release of liens and mortgages  
noted thereon; requiring the issuance  
of a certificate and the prerequisites  
thereof in connection with the re-  
building of motor vehicles and the  
sale, operation or disposition thereof;  
providing for the suspension or rev-

ocation of certificates of title; author-  
izing a hearing on any matter con-  
nected with the issuance, suspension  
or cancellation of such certificate and  
appeal to the court after hearing;  
prohibiting the alteration, forgery or  
counterfeiting of such certificates or  
any assignment thereof, and making  
same an offense and providing a pen-  
alty; prohibiting making of applica-  
tion for certificates by other persons  
than the owner; prohibiting altera-  
tion, mutilation of any motor number,  
serial number or manufacturer's  
number on any motor vehicle, making  
same an offense and providing a pen-  
alty; making it an offense for any  
person to have in his possession a mo-  
tor vehicle, motor, or motor block  
on which the motor number, serial  
number or manufacturer's number  
has been changed, altered, erased or  
mutilated, and providing for a penal-  
ty; authorizing any peace officer to  
take possession of any such motor  
vehicle, motor, or motor block on  
which such numbers have been  
changed; requiring the payment of  
fees; prohibiting the use of false or  
fictitious names or addresses in the  
application for certificates; prohib-  
iting the misrepresentation of any fact  
concerning the ownership or dis-  
charge of liens in connection with the  
issuance of certificates; making it un-  
lawful to violate any of the provi-  
sions of this Act; prescribing the du-  
ties of the 'designated agents', re-  
quiring their performance thereof,  
and making their official bondsmen  
liable for their failure; providing for  
a fine of from Ten (\$10.00) Dollars  
to One Hundred (\$100.00) Dollars for  
the first offense and a double penal-  
ty for subsequent offenses; providing  
effective dates for the Act; providing  
a saving clause as to constitution-  
ality; repealing laws in conflict, and  
declaring an emergency."

S. C. R. No. 16, Authorizing the  
State Highway Department to loan to  
the School Board of Ganado Inde-  
pendent School District certain quan-  
tities of discarded wire.

Respectfully submitted,  
E. R. LINDLEY,  
Chief Clerk, House of Representatives.

#### House Bill on First Reading

The following bill, received from  
the House today, was laid before the  
Senate, read first time, and referred  
to the committee indicated:

H. B. No. 407, to Committee on Highways and Motor Traffic.

#### House Concurrent Resolution 54

The following resolution, received from the House today, was laid before the Senate, read first time, and referred to the Committee on Highways and Motor Traffic:

H. C. R. No. 54, Authorizing Highway Department to lend certain discarded wire to the Ganado Independent School District.

#### Senate Concurrent Resolution 17

Senator Hardin offered the following resolution:

S. C. R. No. 17, Giving consent to State Board of Control to arrange suitable place in Capitol Building of Texas for a vending stand to be occupied by some deserving and needy blind person, who is a citizen of Texas. Said blind person to be selected by Board of Control from list of names submitted by State Commission of the Blind, and giving Board of Control power to dismiss occupants of stand.

Whereas, The Congress of the United States has properly recognized the need for aiding deserving blind through the United States, and

Whereas, The State of Texas is desirous of cooperating with the National Government in properly rendering aid to those blind in Texas desiring and deserving assistance whereby they may make themselves more useful to society and thereby maintain their self-respect, now therefore be it

Resolved by the Senate of Texas and the House of Representatives concurring, That consent is hereby given to the State Board of Control to arrange a suitable and proper place in the Capitol Building of Texas for a vending stand to be occupied by some deserving and needy blind person who is to be a citizen of Texas and who is to be named by the Board of Control from a list of names submitted to it by the State Commission of the Blind and said vending stand shall at all times be operated in a sanitary condition agreeable to such rules and regulations as may be laid down by the State Board of Health, and the violations of any and all

such rules and conditions set up by the State Board of Control shall be grounds for dismissing any and all occupants from said stand and without notice.

The resolution was read and was referred to the Committee on Public Buildings and Grounds.

#### Adoption of Minority Report on Senate Bill 8

Senator Head moved that the minority report on S. B. No. 8, relating to publication of financial statements by cities, etc., be adopted in lieu of the majority report on the bill.

The motion prevailed by the following vote:

Yeas—20

Aikin	Lemens
Brownlee	Metcalfe
Collie	Moffett
Cotten	Nelson
Graves	Redditt
Hardin	Roberts
Head	Small
Hill	Stone
Isbell	of Washington
Kelley	Sulak
Lanning	

Nays—5

Burns	Stone
Martin	of Galveston
Shivers	Weinert

Absent

Beck	Spears
Moore	Van Zandt
Pace	Winfield

#### Message from the House

A Clerk from the House was recognized to present the following message:

Hall of the House of Representatives.  
Austin, Texas, March 8, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has concurred in Senate Amendments to H. B. No. 272 by a vote of 131 yeas and 0 nays.

Respectfully submitted,

E. R. LINDLEY,

Chief Clerk, House of Representatives.

**House Concurrent Resolution 21**

The President laid before the Senate, for consideration at this time:

H. C. R. No. 21, Providing for the impression of the likeness of the head of the Texas longhorn steer on motor vehicle license plates.

The resolution was read.

Senator Hill moved to table the resolution.

Yeas and nays were demanded, and the motion to table was lost by the following vote:

**Yeas—11**

Brownlee	Roberts
Burns	Shivers
Cotten	Sulak
Hill	Van Zandt
Pace	Weinert
Redditt	

**Nays—15**

Aikin	Moffett
Collie	Nelson
Graves	Small
Hardin	Stone
Isbell	of Galveston
Kelley	Stone
Lanning	of Washington
Lemens	Winfield
Metcalf	

**Absent**

Beck	Moore
Head	Spears
Martin	

Senator Burns offered the following amendment to the resolution:

Amend H. C. R. No. 21 by adding a new resolving clause:

"Resolved, That the Highway Commission shall have all-metal road signs made at the State Prison."

Senator Nelson raised a point of order on consideration of the amendment, on the ground it is not germane to the purpose of the resolution.

The President sustained the point of order.

Senator Burns raised a point of order against further consideration of the resolution, on the ground that it seeks to change a general law.

The President overruled the point of order.

Senator Roberts offered the following amendment to the resolution:

Amend resolution by inserting the words "five pointed star" in lieu of the words "longhorn steer" where such words appear.

Senator Nelson raised a point of order against consideration of the amendment on the ground that it changes the original purpose of the resolution.

The President overruled the point of order.

Senator Nelson moved to table the amendment.

Yeas and nays were demanded, and the motion to table was lost by the following vote:

**Yeas—8**

Isbell	Small
Lanning	Stone
Lemens	of Galveston
Moffett	Winfield
Nelson	

**Nays—19**

Aikin	Moore
Beck	Pace
Brownlee	Redditt
Burns	Roberts
Collie	Shivers
Cotten	Stone
Graves	of Washington
Hardin	Sulak
Hill	Van Zandt
Metcalf	Weinert

**Absent**

Head	Martin
Kelley	Spears

The amendment then was adopted.

Senator Nelson moved to table the resolution subject to call.

Senator Shivers moved to table the resolution.

Question first recurring on the motion of Senator Shivers to table the resolution, yeas and nays were demanded.

The motion to table was lost by the following vote:

## Yeas—15

Beck	Redditt
Brownlee	Roberts
Burns	Shivers
Cotten	Stone
Head	of Washington
Hill	Sulak
Moore	Van Zandt
Pace	Weinert

## Nays—15

Aikin	Metcalf
Collie	Moffett
Graves	Nelson
Hardin	Small
Isbell	Spears
Kelley	Stone
Lanning	of Galveston
Lemens	Winfield

## Absent

Martin

Question then recurring on the motion of Senator Nelson to table the resolution subject to call, it prevailed.

## House Concurrent Resolution 4

The President laid before the Senate, for consideration at this time:

H. C. R. No. 4, Providing for a joint legislative committee to make arrangements for the inauguration of the newly elected Governor and Lieutenant Governor.

The resolution was adopted.

## Message from the Governor

The President laid before the Senate, and had read, the following message, which was referred to the Committee on Nominations of the Governor:

Austin, Texas,  
March 8, 1939.

To the Senate of the Forty-sixth Legislature:

I ask the advice, consent and confirmation of the Senate to the following appointments:

To be Members of the Board of Directors of Texas Technological College (term effective February 19, 1939):

Joe T. Sneed of Amarillo, Potter County, Texas (reappointment);

Chas. Thompson of Colorado, Mitchell County, Texas (reappointment);

Milburn McCarty of Eastland, Eastland County, Texas.

Respectfully submitted,

W. LEE O'DANIEL,  
Governor of Texas.

## Reports of Standing Committees

Senator Van Zandt, by unanimous consent, submitted at this time the following report of the Committee on Civil Jurisprudence:

Austin, Texas,  
March 8, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

H. B. No. 348, A bill to be entitled "An Act to diminish the civil and criminal jurisdiction of the County Court of Glasscock County, to conform to the jurisdiction of the District Court thereof, etc.,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

VAN ZANDT, Chairman.

Senator Aikin, by unanimous consent, submitted at this time the following report of the Committee on Education:

Austin, Texas,  
March 8, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Education, to whom was referred

H. B. No. 166, A bill to be entitled "An Act to amend S. B. No. 249, Chapter 122 of the General Laws passed by the Thirty-eighth Legislature, providing for the issuance of serial coupon bonds for school purposes, etc.,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

AIKIN, Chairman.

Senator Winfield, by unanimous consent, submitted at this time the following reports of the Committee on Banking:

Austin, Texas,  
March 8, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Banking, to whom was referred

S. B. No. 265, A bill to be entitled "An Act regulating foreign and domestic corporations, with respect to the publication of a statement by the corporation, etc.,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

WINFIELD, Chairman.

Austin, Texas,  
March 8, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Banking, to whom was referred

S. B. No. 295, A bill to be entitled "An Act to provide banking services and facilities to areas not having such service; providing certain restrictions, etc.,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

WINFIELD, Chairman.

#### Message from the House

A Clerk from the House was recognized to present the following message:

Hall of the House of Representatives,  
Austin, Texas, March 8, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has granted the request of the Senate for the appointment of a Conference Committee to consider the differences between the two Houses on Senate Bill No. 159. The following are conferees on the part of the House:

Messrs. Dickison, Anderson, Dwyer, Reader of Bexar and Felty.

Respectfully submitted,  
E. R. LINDLEY,  
Chief Clerk, House of Representatives.

#### Senate Bills on First Reading

By unanimous consent, the following bills were introduced, read severally first time, and referred to the committees indicated:

By Senator Small:

S. B. No. 322, A bill to be entitled "An Act creating the Texas Funding Bond Commission and prescribing its duties; authorizing the issuance of Seventeen Million (\$17,000,000) Dollars of State of Texas funding bonds for the purpose of funding a like amount of legally outstanding General Revenue Fund warrants, and providing method of procedure; providing for the means and method of the redemption of said bonds at maturity; making appropriation therefor; authorizing the holder of said bonds to institute mandamus or other proceedings to enforce collection; making appropriation for printing and other necessary expenses; providing that said bonds shall be exempt from taxation by the State or any county or municipality; providing that said bonds shall be eligible to secure deposit of public funds to the extent of 100% of the face amount thereof; and that such bonds shall be eligible as a pledge for security of State funds as General Fund warrants of the State are now eligible; providing that this law shall be cumulative of all other laws but in the event of conflict the provisions hereof shall govern; enacting provisions incident to and relating to the subject; and declaring an emergency."

Referred to Committee on State Affairs.

By Senator Small:

S. B. No. 323, A bill to be entitled "An Act to amend Articles 5025, 5026, 5029, 5031, 5032 and 5033 of Chapter 20, Title 78, of the Revised Civil Statutes of Texas, 1925, and to add thereto Articles 5029a and 5033a; relating to indemnity contracts by reciprocal or inter-insurance exchanges; fixing the extent of liability of subscribers at such exchanges; and declaring an emergency."

Referred to Committee on Insurance.

#### House Bill 148 on Second Reading

Senator Stone of Galveston moved that the rule relative to the consider-

ation of bills during the first 60 days of the Regular Session of the Legislature be suspended and that H. B. No. 148 be considered at this time.

The motion prevailed by the following vote:

## Yeas—30

Aikin	Moffett
Beck	Moore
Brownlee	Nelson
Burns	Pace
Collie	Redditt
Cotten	Roberts
Graves	Shivers
Hardin	Small
Head	Spears
Hill	Stone
Isbell	of Galveston
Kelley	Stone
Lanning	of Washington
Lemens	Van Zandt
Martin	Weinert
Metcalfe	Winfield

## Nays—1

Sulak

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 148, A bill to be entitled "An Act, regulating the practice of medicine, amending Articles 4500, 4503, 4504, 4505, 4506, and 4507 of Title 71, Chapter 6, Revised Civil Statutes of Texas, and adding Article 4500a thereto; and amending Articles 740 and 742 of Title 12, Chapter 6, of the Penal Code of Texas, and adding Article 742a thereto, as follows: Providing for the granting, refusal, revocation, cancellation and suspension of licenses to practice medicine in this State; providing for the granting and refusing by the State Board of Medical Examiners of applications to take its examinations, and for judicial proceedings upon any such refusal, etc., and declaring an emergency."

The bill was read second time.

Senator Lemens offered the following (committee) amendment to the bill:

Amend H. B. No. 148 by striking out all below the enacting clause and substituting therefor the following:

Section 1. That Title 71, Chapter 6, Article 4500, of the Revised Civil

Statutes of Texas of 1925, be so amended as to hereafter read as follows:

Article 4500. The State Board of Medical Examiners may, in its discretion, upon payment by an applicant of a fee of Fifty Dollars (\$50), grant license to practice medicine to any reputable physician who is a citizen of the United States, and a graduate of a reputable medical college, or who has qualified on examination for a certificate of medical qualification for a commission in the Medical Corps of the United States Army or Navy, and to licentiates of other States and Territories having requirement for medical registration and practice equal to those established by the laws of this State. Applications for license under the provision of this Article shall be in writing, and upon a form to be prescribed by the State Board of Medical Examiners. Said application shall be accompanied by a diploma, or a photograph thereof, awarded to the applicant by a reputable medical college, and, in the case of an Army or Naval Officer, a certified transcript or a certificate, or license, or commission issued to the applicant by the Medical Corps of the United States Army or Navy, or by a license, or a certified copy of license to practice medicine, lawfully issued to the applicant, upon examination, by some other State or Territory of the United States. Said application shall also be accompanied by an affidavit made by an executive officer of the Medical Corps of the United States Army or Navy, the President or Secretary of the Board of Medical Examiners which issued the said license, or by a legally constituted medical registration officer of the State or Territory by which the certificate or license was granted, and on which the application for medical registration in Texas is based, reciting that the accompanying certificate or license has not been canceled or revoked, except by honorable discharge from the Medical Corps of the United States Army or Navy, and that the statement of the qualifications made in the application for medical license in Texas is true and correct. Applicants for license under the provisions of this Article shall subscribe to an oath in writing before an officer authorized by law to administer oaths, which shall be a part of said application, stating

that the license, certificate, or authority under which the applicant practiced medicine in the State or Territory from which the applicant removed, was at the time of such removal in full force, and not suspended or canceled. Said application shall also state that the applicant is the identical person to whom the said certificate, license, or commission, and the said medical diploma were issued, and that no proceeding has been instituted against the applicant for the cancellation of said certificate, license, or authority to practice medicine in the State or Territory by which the same was issued; and that no prosecution is pending against the applicant in any State or Federal Court for any offense which under the law of Texas is a felony. A reputable physician within the meaning of this Article shall be one who would be eligible for examination by the Board of Medical Examiners under the provisions of Article 4505 of the Revised Civil Statutes of Texas of 1925, as amended by this Act. A reputable medical college within the meaning of this Article shall be such as is defined in Article 4501 of the Revised Civil Statutes of Texas of 1925, as amended by this Act. It is provided, however, that the Board may, under the provisions of this Article, in its discretion, grant license to any reputable physician of another State, Territory, or District, who graduated prior to the year 1907 from a medical college which at the time of his graduation required only three (3) courses of instruction of not less than six (6) month each for attainment of its diploma, or the degree of Doctor of Medicine, and which at the time of his graduation was generally recognized by the medical examining boards of the States of the Union as maintaining entrance requirements and courses of instruction equal to those maintained by the then better class of medical schools of the United States; and provided further that the said applicant for license to practice medicine in this State shall appear before the Board in executive session and pass a satisfactory oral examination in practical subjects as may be prescribed by the Board. The said Board shall not, under the provision of this Article, grant a license to practice medicine in this State to an applicant who does not hold a license issued by another State, Territory, or District of the United

States, giving to him the same right to practice medicine in the State, Territory, or District issuing said license which a license to practice medicine in this State gives to a physician of this State in Texas.

Sec. 2. That Title 71, Chapter 6, Article 4500, of the Revised Civil Statutes of Texas of 1925, be amended by adding thereto a new Article, to be known as Article 4500A, which shall read as follows:

Article 4500A. The Board of Medical Examiners shall not, under the provisions of Article 4500, grant a license to practice medicine to any applicant whose authority to practice medicine in any other nation or country was granted by a nation or country, in which a similar law in reference to granting license to practice medicine under a reciprocal arrangement does not exist in favor of physicians of this State.

Sec. 3. That Title 71, Chapter 6, Article 4501, of the Revised Civil Statutes of Texas of 1925, be so amended as to hereafter read as follows:

Article 4501. All applicants for license to practice medicine in this State not otherwise licensed under the provisions of law must successfully pass an examination by the Board of Medical Examiners. The Board is authorized to adopt and enforce rules of procedure not inconsistent with the statutory requirements. Applicants to be eligible for examination must be citizens of the United States and must present satisfactory evidence to the Board that they are more than twenty-one (21) years of age, of good moral character, who have completed sixty (60) semester hours of college courses, other than in a medical school, which courses would be acceptable, at time of completing same, to the University of Texas for credit on a Bachelor of Arts Degree or a Bachelor of Science Degree, and who are graduates of bona fide reputable medical schools; a reputable medical school shall maintain a course of instruction of not less than four (4) terms of eight (8) months each; shall give a course of instruction in the fundamental subjects named in Article 4503 of the Revised Civil Statutes of Texas of 1925, as amended by this Act; and shall have the necessary teaching force, and possess and utilize laboratories, equipment, and facilities for proper instruction in all of said subjects. Ap-



plications for examination must be made in writing, verified by affidavit, and filed with the Secretary of the Board, on forms prescribed by the Board, accompanied by a fee of Twenty-five Dollars (\$25). All applicants shall be given due notice of the date and place of such examination.

If any applicant, because of failure to pass the required examination, shall be refused a license, he or she, at such time as the Board of Medical Examiners may fix, shall be permitted to take a subsequent examination, upon such subjects required in the original examination as the Board may prescribe, upon the payment of such part of Twenty-five Dollars (\$25) as the Board may determine and state. In the event satisfactory grades shall be made in the subjects prescribed and taken on such re-examination, the Board may grant to the applicant a license to practice medicine. The Board shall determine the credit to be given examinees on the answers turned in on the subjects of complete and partial examination, and its decision thereupon shall be final.

Sec. 4. That Title 71, Chapter 6, Article 4503, of the Revised Civil Statutes of Texas of 1925, be so amended as to hereafter read as follows:

Article 4503. All examinations for license to practice medicine shall be conducted in writing in the English language, and in such manner as to be entirely fair and impartial to all individuals and to every school or system of medicine. All applicants shall be known to the examiners only by numbers, without names, or other method of identification on examination papers by which members of the Board may be able to identify such applicants or examinees, until after the general averages of the examinees' numbers in the class have been determined, and license granted or refused. Examinations shall be conducted on anatomy, physiology, chemistry, histology, pathology, bacteriology, diagnosis, surgery, obstetrics, gynecology, hygiene, and medical jurisprudence. Upon satisfactory examination conducted as aforesaid under the rules of the Board, applicants shall be granted license to practice medicine. All questions and answers, with the grades attached, authenticated by the signature of the examiner, shall be preserved in the executive office of

the Board for one year. All applicants examined at the same time shall be given identical questions. All certificates shall be attested by the seal of the Board and signed by all members of the Board, or a quorum thereof. The Board may in its discretion give examination for license in two (2) parts. The first part shall include such of the required scientific branches of medicine above-named as may be prescribed by the Board. The second, or final, part of the examination shall not be given until the applicant has graduated and has received a diploma from a reputable medical college, as the term, "reputable medical college," is defined in Article 4501 of the Revised Civil Statutes of Texas of 1925, as amended by this Act. The Board may in its discretion admit to partial examination applicants who have successfully completed the work of the first two (2) years of the college course required of licentiates. The application for partial examination must be in writing, accompanied by an affidavit made by the dean, or registrar, of a reputable medical college within the meaning of the law, showing that the applicant has successfully completed the work of the first two (2) years of said course, and by a fee of Fifteen Dollars (\$15). The Board may prescribe all other prerequisites of such applications. No license shall be granted to any applicant who has successfully passed such partial examination until all legal requirements for granting license have been complied with. All partial examinations must be conducted in the same manner and under the same rules prescribed for complete, or full examination. The fee for second, or final, examination shall be Twenty-five Dollars (\$25).

Sec. 5. That Title 71, Chapter 6, Article 4504, of the Revised Civil Statutes of Texas of 1925, be so amended as to hereafter read as follows:

Article 4505. Nothing in this Chapter shall be so construed as to discriminate against any particular school or system of medical practice, nor to affect or limit in any way the application or use of the principles, tenets, or teachings of any church in the ministration to the sick or suffering by prayer, without the use of any drug or material remedy, provided sanitary and quarantine laws and regulations are complied with;

and provided, further, that all those so ministering or offering to minister to the sick or suffering by prayer shall refrain from maintaining offices, except for the purpose of exercising the principles, tenets, or teachings of the church of which they are bona fide members. The provisions of this Chapter do not apply to dentists, duly qualified and registered under the laws of this State, who confine their practice strictly to dentistry; nor to duly licensed optometrists, who confine their practice strictly to optometry as defined by statute; nor to nurses, who practice nursing only; nor to duly licensed chiropodists, who confine their practice strictly to chiropody as defined by statute; nor to masseurs in their particular sphere of labor; nor to commissioned or contract surgeons of the United States Army, Navy, or Public Health and Marine Hospital Service, in the performance of their duties, and not engaged in private practice; nor to legally qualified physicians of other States called in consultation, but who have no office in Texas, and appoint no place in this State for seeing, examining, or treating patients. This law shall be so construed as to apply to persons other than registered pharmacists of this State not pretending to be physicians who offer for sale on the streets or other public places contraceptives, prophylactics or remedies which they recommend for the cure of disease.

Sec. 6. That Title 71, Chapter 6, Article 4505, of the Revised Civil Statutes of Texas of 1925, be so amended as to hereafter read as follows:

Article 4505. The State Board of Medical Examiners may refuse to admit persons to its examinations, and to issue license to practice medicine to any person, for any of the following reasons:

(1) The presentation to the Board of any license, certificate, or diploma, which was illegally or fraudulently obtained, or when fraud or deception has been practiced in passing the examination.

(2) Conviction of a crime of the grade of a felony, or one which involves moral turpitude, or procuring or aiding or abetting the procuring of a criminal abortion.

(3) Habits of intemperance, or drug addiction, calculated, in the opinion of the Board, to endanger the lives of patients.

(4) Grossly unprofessional or dishonorable conduct, of a character which in the opinion of the Board is likely to deceive or defraud the public.

(5) The violation, or attempted violation, direct or indirect, of any of the provisions of this Act, either as a principal, accessory, or accomplice.

(6) The use of any advertising statement of a character tending to mislead or deceive the public.

(7) Advertising professional superiority, or the performance of professional service in a superior manner.

(8) The purchase, sale, barter, or use, or any offer to purchase, sell, barter, or use, any medical degree, license, certificate, diploma, or transcript of license, certificate, or diploma, in or incident to an application to the Board of Medical Examiners for license to practice medicine.

(9) Altering, with fraudulent intent, any medical license, certificate, diploma, or transcript of medical license, certificate, or diploma.

(10) The use of any medical license, certificate, diploma, or transcript of any such medical license, certificate, or diploma, which had been fraudulently purchased, issued, counterfeited, or materially altered.

(11) The impersonation of, or acting as proxy for, another in any examination required by this Act for a medical license.

(12) The impersonation of a licensed practitioner, or permitting, or allowing, another to use his license, or certificate to practice medicine in this State, for the purpose of treating, or offering to treat, sick, injured, or afflicted human beings.

(13) Employing, directly or indirectly, any person whose license to practice medicine has been suspended, or association in the practice of medicine with any person or persons whose license to practice medicine has been suspended, or any person who has been convicted of the unlawful practice of medicine in Texas or elsewhere.

Any applicant who may be refused admittance to examination before said Board, or who shall allege that he has been treated unfairly, unreasonably or arbitrarily by said Board on said examination, shall have his right of action to have such issue tried as to all questions of law and fact in any District Court of the county in which he resides or in which some member of the Board resides.

Sec. 7. That Title 71, Chapter 6, Article 4506, of the Revised Civil Statutes of Texas of 1925, be so amended as to hereafter read as follows:

Article 4506. The District Courts of this State shall have the right to revoke, cancel, or suspend the license of any practitioner of medicine upon proof of the violation of the law in any respect in regard thereto, or for any cause for which the State Board of Medical Examiners shall be authorized to refuse to admit persons to its examination, as provided in Article 4505 of the Revised Civil Statutes of Texas of 1925, as amended by this Act; and it shall be the duty of the several District and County Attorneys of this State to file and prosecute appropriate judicial proceedings for such revocation, cancellation, or suspension, in the name of the State, on request of the Board of Medical Examiners.

Sec. 8. That Title 71, Chapter 6, Article 4507, of the Revised Civil Statutes of Texas of 1925, be so amended as to hereafter read as follows:

Article 4507. All judicial proceedings which shall be instituted by any District or County Attorney under the provisions of the last preceding Article shall be in writing, shall state the grounds thereof, and shall be signed officially by the prosecuting officer instituting the same. Citation thereon shall be issued in the name of the State of Texas, and in the manner and form as in other cases, and the same shall be served upon the defendant at least ten (10) days before the trial day set therein. Upon the return of said citation, executed, if the defendant shall appear and deny the charge, the cause shall be docketed for trial, and conducted in the name of the State of Texas against the defendant. The State shall be represented by the County or District Attorney. A jury of twelve (12) men shall be empaneled, unless waived by the defendant, and the cause shall be tried in like manner as other cases. If the said practitioner of medicine shall be found guilty, or shall fail to appear and deny the charge, after being cited as aforesaid, the said Court may, by proper order entered on the minutes, suspend his license for a time, or revoke and cancel it entirely; and may also give proper judgment for costs.

Sec. 9. That Title 12, Chapter 6,

Article 740, of the Penal Code of this State, be so amended as to hereafter read as follows:

Article 740. Nothing in this Chapter shall be so construed as to discriminate against any particular school or system of medical practice, nor to affect or limit in any way the application or use of the principles, tenets, or teachings of any church in the ministration to the sick or suffering by prayer, without the use of any drug or material remedy, provided sanitary and quarantine laws and regulations are complied with; and provided further, that all those so ministering or offering to minister to the sick or suffering by prayer shall refrain from maintaining offices, except for the purpose of exercising the principles, tenets, or teachings of the church of which they are bona fide members. The provisions of this Chapter do not apply to dentists, duly qualified and registered under the laws of this State, who confine their practice strictly to dentistry; nor to duly licensed optometrists, who confine their practice strictly to optometry as defined by statute; nor to nurses, who practice nursing only; nor to duly licensed chiropractors, who confine their practice strictly to chiropractic as defined by statute; nor to masseurs in their particular sphere of labor nor to commissioned or contract surgeons of the United States Army, Navy, or Public Health and Marine Hospital Service, in the performance of their duties, and not engaged in private practice; nor to legally qualified physicians of other States called in consultation, but who have no office in Texas, and appoint no place in this State for seeing, examining, or treating patients. This law shall be so construed as to apply to persons other than registered pharmacists of this State not pretending to be physicians who offer for sale on the streets or other public places contraceptives, prophylactics or remedies which they recommend for the cure of disease.

Sec. 10. That Title 12, Chapter 6, Article 742, of the Penal Code of this State be so amended as to hereafter read as follows:

Article 742. Any person practicing medicine in this State in violation of the preceding Articles of this Chapter shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than Fifty Dollars (\$50), nor more than Five Hundred

Dollars (\$500), and by imprisonment in the county jail for not more than thirty (30) days. Each day of such violation shall be a separate offense.

Sec. 11. That in the event any section, or part of section, or provision of this Act, be held invalid, unconstitutional, or inoperative, this shall not affect the validity of the remaining sections, or parts of sections of the Act, but the remainder of the Act shall be given effect as if said invalid, unconstitutional, or inoperative section, or any part of section or provision, had not been included. In the event any penalty, right, or remedy created or given in any section or part of this Act is held invalid, unconstitutional, or inoperative, this shall not affect the validity of any other penalty, right, or remedy created or given by either the whole Act, or in the section thereof containing such invalid, unconstitutional, or inoperative part; and if any exception to, or any limitation upon, any general provision herein contained shall be held to be unconstitutional or invalid, the general provision shall, nevertheless, stand effective and valid, as if the same had been enacted without such limitation or exceptions.

Sec. 12. That all laws in conflict with the provisions of this Act be and they are hereby repealed.

Sec. 13. The importance to the public of the amendments to the medical practice laws proposed in this Act creates an emergency and an imperative public necessity demanding the suspension of the Constitutional Rule requiring bills to be read on three several days in each House, and the same is hereby suspended, and it is enacted that this Act shall take effect and be in force from and after its passage.

Question—Shall the (committee) amendment be adopted?

#### Hour for Executive Session Set

On motion of Senator Shivers and by unanimous consent, the Senate agreed to hold an executive session at 11:30 o'clock a. m. today, to consider nominations of the Governor.

#### At Ease

On motion of Senator Pace, the Senate, at 11:25 o'clock a. m., agreed to stand at ease to 11:30 o'clock a. m. today.

#### Executive Session

At 11:25 o'clock a. m., the President called the Senate to order and announced the hour set for an executive session had arrived and he ordered the floor and galleries cleared of all those not entitled to attend the executive session and directed that all doors leading from the Senate Chamber be closed.

#### After Executive Session

At the conclusion of the executive session, the Secretary of the Senate reported to the Journal Clerk that the Senate had adopted the following reports:

Austin, Texas,  
March 7, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Nominations by the Governor, to whom was referred the following nomination:

To be Life Insurance Commissioner: (term beginning February 10, 1939).

Walter Woodward, of Coleman County.

Have had same under consideration and recommend that he be in all things confirmed.

SHIVERS, Chairman.

Austin, Texas,  
March 8, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Nominations by the Governor, to whom was referred the following nominations:

To be Members of the Board of Directors of Texas Technological College: (term effective February 19, 1939).

Joe T. Sneed of Amarillo, Potter County, Texas (reappointment);

Chas. Thompson of Colorado, Mitchell County (reappointment);

Milburn McCarty of Eastland, Eastland County, Texas.

Have had same under consideration and recommend that they be in all things confirmed.

SHIVERS, Chairman.

The President called the Senate to order as in legislative session at 12:10 o'clock p. m.

**Report of Conference Committee on  
Senate Bill 159**

Senator Spears' submitted the following report of the Conference Committee on S. B. No. 159:

Austin, Texas,  
March 7, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Hon. Emmett Morse, Speaker of the House of Representatives.

Sirs: We, your Conference Committee, to whom was referred Senate Bill No. 159, appointed to adjust the differences between the two Houses on Senate Bill No. 159, beg to recommend that said bill be passed in the form and text as submitted herewith.

Respectfully submitted,

SPEARS,  
MOFFETT,  
LANNING,  
KELLEY,  
STONE of Galveston.

On the part of the Senate.

ANDERSON,  
DWYER,  
FELTY,  
DICKISON,  
READER of Bexar.

On the part of the House.

By Spears. S. B. No. 159.

A BILL  
to be entitled

An Act validating and legalizing the authorization of bonds issued by any water improvement districts in this State, lying wholly or in part in any county having a population of not less than 250,000 nor more than 320,000 according to the last preceding Federal Census and all future Federal Census, for the improvement, repair, or rehabilitation of its irrigation system, or parts thereof; validating the levy and assessment of ad valorem taxes in payment thereof; validating the manner of holding the election, canvassing the returns and declaring the results of such election, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That wherever the Board of Directors of any water improvement district in this State, lying wholly or in part in any county having a population as shown by the last preceding Federal Census and all fu-

ture Federal Census, of not less than 250,000 nor more than 320,000 has ordered an election for the issuance of bonds pursuant to Section 52 of Article 3 of the State Constitution, and Title 128, Chapter 2 of the Revised Civil Statutes of Texas of 1925, and all amendments thereto, for the purpose of repairing, improving, or rehabilitating its irrigation system and a two-thirds majority of the qualified property tax-paying voters of such district, whose properties have been rendered for taxation, voting at such election, have authorized the issuance of said bonds and the levy of ad valorem taxes in payment thereof, and the Board of Directors of such water improvement district has canvassed the returns of the election held for such purpose, and by order or resolution duly passed and entered of record, has found and declared that such bonds were authorized by a two-thirds majority of the voters aforesaid, voting at such election, and thereupon, by proper order or resolution, has authorized the issuance of bonds for the repair, improvement, or rehabilitation of its irrigation system, or any part thereof, and has levied an ad valorem tax to pay the principal and interest thereof at maturity, and has prescribed the date, maturity, rate of interest such bonds are to bear, the place of payment of principal and interest, each such election, and all acts and proceedings had and taken in connection therewith, by such Board of Directors of such water improvement district, the levy of taxes and the provision made for the payment of the interest, reserve, and sinking fund for the payment of the principal of such bonds, are hereby legalized and validated; and all such bonds so authorized, are hereby validated and constituted the legal obligations of such water improvement districts, and all bonds, so authorized, when delivered and paid for at a price of not less than ninety per cent of their face value, shall constitute the valid and binding legal obligations of such water improvement districts, according to their terms, and no further proceedings for validation, by court proceedings or otherwise, shall be required or necessary in connection with such bonds, or any of them, and all acts of such Boards of Directors, in respect to the issuance of such bonds, are hereby legalized and validated, and such Boards of Directors of such water improvement districts,

are hereby expressly authorized and directed to provide for the payment of the interest and the principal of any such bonds by the levy of taxes and appropriations of revenues in the time and manner prescribed by statute; provided, however, this Act shall not affect any bonds, the validity of which is being questioned in any litigation pending at the time this Act becomes effective.

Sec. 2. The public importance of the purposes herein contemplated, creates an emergency and an imperative public necessity requiring the suspension of the Constitutional Rule requiring bills to be read upon three several days in each House, and the said Rule is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

Question—Shall the report be adopted?

The report was adopted by the following vote:

Yeas—31

Aikin	Moore
Beck	Nelson
Brownlee	Pace
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Graves	Small
Hardin	Spears
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Metcalfe	Winfield
Moffett	

**Bill and Resolution Signed**

The President signed in the presence of the Senate, after their captions had been read, the following enrolled bill and resolution:

H. B. No. 272, "An Act providing that it shall be unlawful to kill wild turkey in the Counties of Madison, Houston, Walker, San Jacinto and Grimes for a period of five years from and after passage of this Act; repealing all conflicting laws; providing a suitable penalty, and declaring an emergency."

S. C. R. No. 16, Authorizing Highway Department to lend certain dis-

carded wire to the Ganado Independent School District.

**Senate Bill on First Reading**

By unanimous consent, the following bill was introduced, read first time, and referred to the committee indicated:

By Senator Small:

S. B. No. 324, A bill to be entitled "An Act relating to public lands, and, in connection therewith, providing: for the creation of a Public Land Board; for the sale of certain public lands and for the withdrawing of others from sale; for the forfeiture, reinstatement, recovery, location, determination, lease, control, and administration of certain public lands, and for the fixing, declaring and determining of rights, privileges, and duties of the State, of certain officers and agencies thereof, and of various persons, with respect thereto; for the lease and development of certain public lands for oil, gas and sulphur, but specifically excluding those dedicated or belonging to the University of Texas or the Agricultural and Mechanical College of Texas; for the development of certain public lands for minerals other than oil, gas and sulphur; for saving and preserving certain rights, causes of action, and suits under existing laws which are repealed or modified; for repealing laws and parts of laws in conflict; and declaring that provisions of the Act are separable and, regardless of invalidity of part of the Act, the balance would have been passed; and also declaring an emergency."

Referred to Committee on Public Lands and Land Office.

**Report of Standing Committee**

Senator Hill, by unanimous consent, submitted at this time the following report of the Committee on Towns and City Corporations:

Austin, Texas,  
March 8, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Towns and City Corporations, to whom was referred

S. B. No. 279, A bill to be entitled "An Act to amend H. B. No. 30, Chapter 4, Acts of 1933, First Called

Session, Forty-third Legislature, as amended by H. B. No. 122, Chapter 387, Acts of 1935, First Called Session, Forty-fourth Legislature, as amended by H. B. 54, Chapter 510, Acts of 1936, Forty-fourth Legislature, Third Called Session, and repealing all laws and parts of laws in conflict herewith; providing a saving clause; and declaring an emergency,"

Have had same under consideration and beg leave to report back to the Senate that it do pass and be not printed.

HILL, Chairman.

#### Adjournment

Senator Van Zandt moved that the Senate adjourn until 10:00 o'clock a. m. tomorrow.

The motion prevailed; and the Senate, accordingly, at 12:15 o'clock p. m., adjourned until 10:00 o'clock a. m. tomorrow.

### THIRTY-THIRD DAY

(Thursday, March 9, 1939)

The Senate met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by President Pro Tempore Moore.

The roll was called, and the following Senators were present:

Aikin	Moore
Beck	Nelson
Brownlee	Pace
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Graves	Small
Hardin	Spears
Hill	Stone
Isbell	of Galveston
Kelley	Stone
Lanning	of Washington
Lemens	Sulak
Martin	Van Zandt
Metcalf	Weinert
Moffett	Winfield

Absent--Excused

Head

A quorum was announced present.

The invocation was offered by the Chaplain.

On motion of Senator Aikin and by unanimous consent, the reading of

the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

#### Leave of Absence Granted

Senator Head was granted leave of absence for today on account of important business, on motion of Senator Collie.

#### Reports of Standing Committees

Senator Brownlee submitted at this time the following reports of the Committee on Highways and Motor Traffic:

Austin, Texas,  
March 9, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Highways and Motor Traffic, to whom was referred

S. B. No. 23, A bill to be entitled "An Act amending Chapter 277, Acts of the Regular Session of the Forty-second Legislature, as heretofore amended, designating said Act as the "Motor Carrier Act of Texas" and adding the sections thereto contained in this Act, to be known as the 'Private Motor Carrier Act of Texas'; etc., and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

BROWNLEE, Chairman.

Austin, Texas,  
March 9, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Highways and Motor Traffic, to whom was referred

S. B. No. 165, A bill to be entitled "An Act to amend sub-section (a) of Section 7, H. B. No. 2, Chapter 13, Acts of the Forty-second Legislature, Third Called Session, as amended by S. B. No. 300, Chapter 136, Acts of the Forty-third Legislature, Regular Session, and as amended by S. B. No. 450, Chapter 500, Acts of the Forty-fifth Legislature, Regular Session, relating to eligible obligations of the counties or road districts of the State to participate in county and road district highway fund; and declaring an emergency,"